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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,062	05/14/2001	Michael A. Bass	32759US1	8583

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EXAMINER

KERR, DEBRA E

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,062

Applicant(s)

BASS, MICHAEL A.

Examiner

Debra E Kerr

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 3, 6, 9 –12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (US. 5,799,285) in view of Signs of the Times, 'An Outdoor Web World', 08/1997, p. 36, and further in view of Shane (US 5,793,972).

Klingman discloses a method for marketing a good comprising:

- Providing a website at a website address which permits a seller to post information about a good for sale (col. 5, line 48 – col. 6 line 4)
- Posting the information about a good for sale under a unique identifier (col. 8, lines 21-28)
- Enabling a prospective purchaser to view the information on the website by reference to a unique identifier (col. 8, lines 11-13 and col. 11 lines 15-18)
- Permitting a purchaser of a good for sale to pay the seller or seller's agent directly (col. 4, lines 46-48 and col. 13, lines 31-33)
- Permitting a purchaser of a good for sale to pay the website provider, after which the provider will forward the payment to the seller (col. 16, lines 2-16)

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- Preprinted instructions to a seller for how to post information about a good on a website under a unique identifier (col. 5, lines 58-62)
- Charging a fee to the seller by the website provider in connection with a buyer making a payment (col. 9, lines 48-54)
- Charging a fee to the seller by the website provider in connection with posting the information on the website (col. 4, lines 43-46 and col. 8, lines 6-8)

Klingman fails to disclose providing a sign having a preprinted website address with space for a unique identifier and an indication that a good is for sale. Signs of the Times teaches that advertisers frequently feature their Internet addresses on billboard or other signs along with the goods being advertised as a means to direct potential customers to a website for further information or possibly to make a sale. It would have been obvious to one having ordinary skill in the art to utilize a billboard as taught in Signs of the Times as a means to advertise Klingman's secure system for electronic electronic selling. This would enable Klingman to reach a larger number of consumers with his website address and thus increase sales.

Klingman and Signs of the Times fail to teach a sign preprinted with a unique identifier that is provided to the seller in connection with the seller posting the information on the website, permitting a purchaser to view information on a website by reference to the unique identifier, or promoting the website to the general consuming public. Klingman teaches a website which provides a unique web page to a seller in connection with the seller supplying information about a good for sale to the website

(col. 8, lines 55-65), but does not teach providing a unique identifier as a link to the web page. Shane discloses providing a printed direct mail advertisement which has a preprinted website address and space for a unique identifier which gives a potential purchaser access to a seller's web page that has been specifically constructed for the purchaser (col. 4, lines 9-13).

It would have been obvious to one having ordinary skill in the art to combine the methods of Klingman and Signs of the Times with Shane's method for providing a web address and unique identifier on a mailing in order to reach a large number of potential customers with a website address and a unique key for accessing a specific web page on the website. Doing so would enable customers interested in a specific good for sale to go directly to the web page related to it at a website, rather than being required to search through the website hunting for the item of interest.

Claims 4, 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman, Shane and Signs of the Times in view of Mahoney et al. (US 6,003,255).

Klingman, Shane and Signs of the Times substantially disclose the invention but fail to disclose a sign which is preprinted with a description of a good for sale, is provided with a space to indicate a seller's personal contact information, or is provided with a container into which a seller can deposit a sheet of paper containing information about the good for sale. Mahoney teaches a combined advertising display sign with replaceable panels for displaying any type of indicia desired by the seller and a brochure dispensing container which holds brochures or cards for removal by

prospective customers (col.6, lines 1-13). It would have been obvious to one having ordinary skill in the art to combine the methods of Klingman, Shane and Signs of the Times with Mahoney's method for providing an advertising sign. Doing so would allow a seller to attract potential customers with a pre-printed advertising sign which can provide interested parties with additional information on the good for sale, the seller's contact information, or any other useful information the seller wishes to provide.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman, Shane and Signs of the Times in view of Green et al. (US 6,041,310).

Klingman, Shane and Signs of the Times substantially disclose the invention but fail to disclose a website adapted to permit a prospective purchaser to browse a plurality of goods by category or location and view posted information without using a unique identifier. Green discloses a system for facilitating automobile purchase and lease which allows a customer to browse a dealer's inventory by multiple categories (col. 8, lines 27-32), including location (col. 5, line 46 and col. 15 line 66 – col. 16 line 3). It would have been obvious to one having ordinary skill in the art to combine the methods of Klingman, Shane and Signs of the Times with Green's method for providing an online system of goods for sale organized by categories, allowing customers to access the category of good for sale that meets their needs. Doing so would allow potential customers to avoid wasting time by only viewing items within a category of interest at a website, including items in a geographic location close to them.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra E Kerr whose telephone number is (703) 305-3184. The examiner can normally be reached Monday through Friday between 7 a.m. and 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 305-1440. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Debra E. Kerr

March 8, 2002


WYNN COGGINS
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